FORESTS.

No 665
23/10/99

PART I.—FOREST OFFICERS.

A.—Appointments, Salaries and Allowances.

1. In accordance with the orders of the Secretary of State, service for leave and pension in the case of Forest Officers appointed in England will in future be held to commence from the date on which their pay begins to accrue, *i.e.*, from the date on which they report their arrival in India. (G. I., H. D., No. 19-F., dated 4th December 1884, and G. I., R. & A., No. 321-F., dated 15th March 1895; *vide* G. Rs. Nos. 10056, dated 22nd idem, and 2566 dated 30th March 1895.)

2. Candidates who have obtained the diploma in Forestry of the Royal Indian Engineering College, Cooper's Hill, and are found to be of sound constitution and free from physical defects which would render them unsuitable for employment in the Forest Department (the final decision on which points will rest with the Secretary of State for India), will be appointed Assistant Conservators in the Forest Department of India in the order of their standing at the end of the final examination. They will be allowed before leaving the College to state their preference in respect to the provinces to which they desire to be allotted; but the distribution will be made to the several provinces according to the needs of the public service, at the discretion of the Secretary of State for India, after consulting the President of the College. Officers are, however, at all times liable to be transferred from one province to another at the pleasure of the Government of India.

(1). Within a month of his nomination as Assistant Conservator, each nominee must sign articles of agreement describing the terms and conditions of his appointment; he must embark for India when required to do so by the Secretary of State, and will be provided with a free passage. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

(2). The pay of an Assistant Conservator of Forests will begin from the date of reporting arrival in India. Probationers who acquit themselves creditably during their course at Cooper's Hill College will begin on a salary of Rs. 350 a month. It will, however, rest with the President of the College to decide whether any of the probationers, though they have obtained the College diploma in Forestry, have failed to deserve that rate of initial salary. Such probationers, if any, will begin on a salary of Rs. 250 a month; and this difference of salary will continue until the first departmental examination is passed in India. Officers entering the Forest Service will be required to contribute a subscription, ranging from a compulsory minimum of 5 per cent. up to a voluntary maximum of 10 per cent. of their salary to the Forest Officers' Provident

Fund. Such contributions, with compound interest, will accumulate till the date of retirement, when the total sum will be paid to the contributor, or in the event of death before retirement to his legal representative.

(3). Promotion, leave, and pension will be governed by the regulations laid down by the Government of India and made applicable to Forest Officers, such regulations being subject to any modifications or alterations which may be made in them from time to time by the Government of India, and their interpretation in case of any doubt arising being left to that Government. The pension rules applicable to Public Works and Telegraph officers appointed from Cooper's Hill College have been extended to Forest Officers appointed from England ; and the Inspector-General of Forests and Conservators of the First Grade are now eligible for the extra pension of Rs. 1,000 per annum admissible to an officer after at least three years of approved service as head of a department in any province, if considered deserving of the special concession.

(G. I., R. & A., No. 20-291-2F., dated 20th December 1897; *vide* G. R. No. 200, dated 10th January 1898.)

3. The following rules have been prescribed by Government for the examination of officers of the Forest Department in the Bombay Presidency :—

(1). Forest officers will be required to pass examinations in the following subjects :—

(*a*) Languages (according to the Lower and Higher Standards prescribed for Junior Civilians).

(*b*) Land Revenue.

(*c*) Forest Law.

(*d*) Procedure and Accounts.

(2). Examinations in all the subjects will be held in April and October of every year before the Central Committee for Departmental Examinations, to which a Conservator of Forests or a Deputy Conservator of Forests in charge of a circle will be appointed from time to time as an additional member. Examinations in languages alone will be held in January and July before the Sub-Committee for Vernacular Examinations of the Central Committee of Departmental Examinations.

(3). Every officer shall present himself for examination according to the Lower Standard in the language of the division in which he is serving at the latest at the first meeting of the Central Committee after he has been 9 months in the service in this country, whether as Assistant Conservator of Forests, Second Grade, or as Extra Assistant Conservator of Forests, Fourth Grade, and he shall be placed under stoppages of 10 per cent. of his pay, should he fail to pass within 18 months of the date of his joining the service in the Presidency.

(3) *To be inserted as a corrigendum to Part I of the Chapter relating to Forests at page 473 of the Compilation of Standing Orders of Government in the Revenue Department.*

"In No. 6 of the rules for the examination of Forest Officers *for* the words 'the standing orders and rules of the Forest Department of the Presidency' occurring in clause (*b*) under Procedure and Accounts, substitute the following :—

'The Chapter relating to Forests in the Compilation of Standing Orders of Government in the Revenue Department in so far as it is not covered by the examination in the Forest Act';

and *insert* the following as clause (*d*) : —

'Standing orders of the Accountant General'.

(4). "No officer will be eligible for promotion out of the grade of Assistant Conservator of Forests, Second Grade, or of Extra Assistant Conservator of Forests, Fourth Grade, as the case may be, until he has passed a further examination in the language of his division according to the Higher Standard, and has qualified in—

(*a*) Land Revenue,

(*b*) Forest Law,

(*c*) Procedure and Accounts,

according to the tests prescribed in Rule 6.

(5). For the purposes of these rules, the following languages shall be held to be those of the different Forest Circles :—

Central		Maráthi.
Southern ...	Ratnágiri, Kolába and Belgaum.	Maráthi.
	Dhárwár, Bijápur and Kánara	Kánarese.
Northern...	East and West Thána.	Maráthi.
	Surat and thePanch Maháls.	Gujaráti.
Sind		Sindhi.

In the case of the Circles against which two languages are entered, the language of the division in which the Forest officer is serving will be the language in which he will be required to pass.

(6). The tests in Land Revenue, Forest Law, and Procedure and Accounts will be as follows:—

Land Revenue.

Act No. V of 1879, entitled the Bombay Land Revenue Code, Chapters I and II; of Chapter V, Sections 37 to 44; of Chapter VI, Section 62, Clause 2; and Chapter IX; Rules 35 to 37, 91 to 98B (Trees) and 100 to 106 (Boundary marks) of the Rules under Section 214 of the Bombay Land Revenue Code.

Forest Law.

Act No. VII of 1878, the Indian Forest Act, 1878, as modified up to date, with all the rules published and in force at the time being under different sections of that Act.

Procedure and Accounts.

Not more than 12 questions from—

(*a*) Such portions of the Forest Department Code as have been applied to the Bombay Forest Department.

(*b*) The standing orders and rules of the Forest Department of the Presidency.

(*c*) Rules which have been published under the Sea Customs Act, 1878, the Arms Act XI of 1878, the A'bkári Act V of 1878 and are in force at the time being and apply to the Forest

Officers in the Forest Department of the Presidency.

(7). In addition to the examination above described any officer of the Forest Department of less than 15 years' standing who may be transferred from one division to another division, in the language of which he has not passed either according to the Lower or Higher Standard, will be required to pass an examination according to the Higher Standard in the vernacular of his new division, within one year of his transfer; and in the event of his failing to do so, a reduction of 10 per cent. will be made from his salary until he has qualified, or has been transferred to another division, in the vernacular of which he has previously passed.

(8). Officers of the Upper Controlling Staff of the Forest Department may, with the previously obtained permission of Government, offer themselves for examination in any one or more of the languages of the Forest Circles of the Presidency mentioned above in addition to those in which they may be required to pass under Rules 4 and 7, and in the event of their passing will be entitled to the following language allowances:—

Rs. 250 for passing in the Lower Standard.

Rs. 500 for passing in the Higher Standard, subject to a deduction of any allowance already drawn for passing in the same language by the Lower Standard.

(9). No Forest Officer will be permitted to present himself for examination by two standards in the same vernaculars simultaneously.

(G. Rs. Nos. 2, dated 3rd January 1894, 9775, dated 29th November 1894, and 405, dated 18th January 1898.)

4. It has been the practice to attach the designation of "Supernumerary" to the trained Assistants sent out by the Secretary of State from England, irrespective of their position on the general list. In future, however, the term "Supernumerary" will only be applied to officers whose names at the time stand at the bottom of the consolidated list, and who are therefore in excess of the sanctioned scale. The supernumeraries should be absorbed into the sanctioned scale on the occurrence of either permanent or temporary vacancies in the Department in this country. (G. I., A., R. & C., No. 527-F., dated 10th April 1873; *vide* G. Rs. Nos. 2351, dated 24th April 1873, and 9143, dated 29th December 1882.)

5. Local Governments and Administrations will exercise their discretion in regulating the movements of Forest Officers appointed from England on arrival, taking care to prevent any abuse of the rules relating to joining time. (G. I., R. & A., No. 19-F., dated 17th August 1893; *vide* G. R. No. 6857, dated 23rd September 1893.)*

* For the form of agreement entered into by Forest Officers appointed from England to the Indian Forest Service, *vide* Government Resolution No. 9299, dated 26th November 1892.

6. The covenant of the trained Forest Assistants bars their promotion until they do qualify, but does not confer any right to immediate promotion when they have qualified. (G. I., R. & A., No. 700, dated 26th June 1874; *vide* G. R. No. 3460, dated 7th July 1874.)

7. The Conservators and Deputy Conservators in charge of circles should submit for transmission to the Government of India reports regarding the physique and suitability, in respect to general health and constitution, for forest duties of the Forest Officers appointed from England by the Secretary of State on the completion of the first year of their residence in India. (G. R. No. 5172, dated 23rd June 1892.)

8. Distinguished Forest students at the Cooper's Hill College will be annually appointed Fellows of that College in the same way as Engineer students are appointed. The selection for fellowships will be made by the President of the College in consultation with the Principal Professor of Forestry, and not more than two students will be selected in any year. The title "Fellow of Cooper's Hill" will be attached to the names of Forest Officers gaining the distinction in the official civil lists, as is done in the case of Engineer Officers who have gained fellowships. (S. of S., No. 55 (Rev.), dated 21st July 1892; *vide* G. R. No. 8187, dated 15th October 1892.)

9. As a rule, privilege leave will not be granted to Forest Officers during the hot weather months. (G. R. No. 1558, dated 24th March 1874.)

10. Except for very special reasons, privilege leave should not be applied for and cannot be granted to Forest Officers during the cold season, when their work is heaviest and most important, and they cannot leave their districts without detriment to the public interests. (G. R. No. 6553, dated 8th December 1879.)

11. Covenanted Forest Officers are not entitled, under the terms of their engagements for service in India, to receive their leave allowances in England at the rate of two shillings to the rupee. (G. I., R. & A., No. 417-F., dated 23rd March 1891; *vide* G. R., F. D., No. 1294, dated 8th April 1891.)

12. Temporary transfers made by Conservators of Forests of an officer from one district to another on an important but temporary work should always be brought to the notice of Government. (G. R. No. 2573, dated 22nd May 1874.)

13. All Divisional Forest Officers should, as a rule, be supplied with Part I of the *Bombay Government Gazette*. (G. R. No. 1240, dated 7th March 1879.)

14. Government will be glad to receive applications from Forest Officers going on furlough, who desire to avail themselves of the offer made by the Secretary of State in the following despatch to the

Government of India, No. 7 (Revenue), dated 20th January 1881:—

"I transmit herewith, for your Excellency's information, copy of a letter* from Colonel Pearson, proposing, in view of the late disastrous landslip at Naini Tâl, that Forest Officers who may be at home on furlough should from time to time be deputed to visit the works in the Basses and Hautes Alps for the prevention and repair of similar landslips on the sides of the Alps.

* Dated 18th October 1880.

"2. This suggestion seems worthy of adoption, and I shall be prepared to sanction the employment on deputation of any Forest Officer on furlough whom your Government may recommend for the purpose on the terms accorded to officers visiting works at the public expense."

(G. R. No. 2549, dated 7th May 1881.)

15. No grant will be made by the Secretary of State for India towards the cost of Forest Officers' tours in Europe or elsewhere unless such tours are undertaken at the request or with the previous sanction of the Government of India. (S. of S., No. 30, dated 14th March 1889; *vide* G. R. No. 7102, dated 20th September 1889.)

16. The following rules have been prescribed by the Government of India to authorize selected officers of the Forest Department to study during furlough, at the public expense, forest operations on the Continent of Europe:—

(1). A Forest Officer, desirous of obtaining permission to study Forestry on the Continent, under these rules, must submit an application, through the Conservator under whom he is serving, to the Local Government.

(2). The Local Government will forward the application to the Inspector-General of Forests, with the remarks of the Conservator and its own recommendation in the case.

(3). The Inspector-General of Forests will submit the application to the Government of India for orders.

(4). The Government of India will require to be satisfied that the officer applying is likely to profit by the additional experience which he will gain by Continental study, and that he possesses a sufficient knowledge of the language of the country which it is proposed that he should visit.

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* From—COLONEL G. F. PEARSON.

To—HER MAJESTY'S UNDER SECRETARY OF STATE FOR INDIA.

I am induced by the late disastrous landslip at Naini Tâl to do myself the honour of addressing you with a view, if possible, to the deputation from time to time of any Forest Officers who may be at home from India on furlough to visit the works in the Basses and Hautes Alps (especially near Barcellonette and Embrun) with a view to the prevention and repair of similar givings-way of the mountain sides in the Alps. There are huge landslips in the Alps which have covered the vineyards and habitations from three to four kilometres along the bottom of the valleys, and have destroyed property to an enormous value, but which have been successfully treated by various works, and especially by planting the hills around and above them, thereby preventing the water, when there is a heavy fall of rain, from forming a torrent, which is the main cause of these catastrophes. Some of these landslips must be three or four times the size of that at Naini Tâl, and it is impossible to suppose that the same means which have been effective in the Alps should not equally succeed there.

(5). The application must reach the Government of India not less than four months before the date on which it is proposed to commence a Continental tour.

(6). If the application is sanctioned, the officer should place himself in communication with the Inspector-General of Forests, under whose instructions the plan of study proposed will be arranged.

(7). If an officer should be deputed direct from India to the Continental forests, he will receive his orders from the Government in India; but if he should proceed to England, it is advisable that he should report himself to the Revenue Secretary at the India Office, and it will rest with the Secretary of State to decide what localities are to be visited.

(8). The total period to be spent on deputation will not, as a rule, exceed six months; and an officer will not be allowed, save in very exceptional circumstances, to proceed to the Continent under these rules more than once. At the end of the period of of deputation, the officer selected will submit to the India Office a diary, showing how his time has been spent, and a report which should indicate fully the nature of the operations studied and which should also include suggestions as to the application of such operations to India. The Secretary of State will decide whether the diary and the report show that the time of the officer has been properly employed, and will determine accordingly for what period the daily allowance admissible under Rule IX may reasonably be granted.

(9). Each officer will be paid, through the India Office, the cost of a first class return ticket, or two single tickets in cases where a return ticket available for the period of deputation is not procurable, between London and the place to which he may be initially deputed; or if he should proceed to the forests without first coming to England, he will be paid his railway fare from the port of debarkation to the place to which he may be initially deputed and his fare from the latter place to London; provided that the aggregate amount does not exceed the sum to which he would have been entitled if he had proceeded from London. He will also, subject to the preceding rule, be granted a daily allowance of ten shillings during the period of his deputation. Travelling allowance bills in full detail must be submitted to the Revenue Secretary at the India Office.

(10). The reports, notes, and drawings submitted by an officer may not, without the previous permission of the Government of India, be communicated to any professional journal or institution; and the Government of India will be at liberty to print, publish, or circulate them should they think fit to do so.

Note.—Forest Officers who desire to study Forestry on the Continent under these rules should particularise some specified object which they have in view, or some special study which

they desire to undertake, when submitting an application under the rules referred to.

(G. I., R. & A., Nos. 2-F., dated 18th January 1894, and 453-F., dated 6th June 1898; *vide* G. Rs. Nos. 1231, dated 15th February 1894, and 4328, dated 1st July 1898.)

17. It should be notified to all Forest Disbursing Officers that any failure on their part to carry out the Accountant General's orders as regards deduction of rent due from their salaries will be seriously noticed by Government. (G. R. No. 3228, dated 4th May 1893.)

18. The Accountant General is authorized to prepare a monthly gradation list of officers of the Forest Department, and submit it for the approval of Government. (G. R. No. 8842, dated 10th November 1884.)

19. In the Gradation Lists of Forest Officers :—

(1). Professionally trained officers should be indicated by an asterisk before their names.

(2). Particular letters should be placed after the names of officers who have passed the prescribed Departmental Examination in Land Revenue system and Forest Law.

(3). Columns should be added to show the vernacular qualifications of each officer and the Forest Division in which he serves.

(G. R. No. 5296, dated 24th July 1886.)

20. The Accountant General should include in the monthly gradation list of Forest Officers a classified roll of the Forest Rangers serving in this Presidency. To enable the Accountant General to do this, the Conservators of Forests should furnish direct to that officer, not later than the 10th of each month, a classified list of Forest Rangers serving in their respective circles; and in preparing the list the form of the monthly Gradation List issued in the case of gazetted officers should be adhered to as far as possible, and a column should be added showing the division and range in which the officers are serving. (G. Rs. Nos. 4314, dated 11th July 1887, and 5099, dated 4th August 1887.)

21. The Accountant General should prepare from 1st January 1891 a half-yearly classified list (for 1st January and 1st July) of Forest Officers in the Bombay Presidency, and forward 300 copies thereof direct to the Government of India not later than 1st February (as regards the list for 1st January), and 1st August (as regards the list for 1st July.)

The list should be prepared after comparison with the latest monthly list as approved by Government and promulgated from the Secretariat. Ten copies should be sent to this Government. The Superintendent, Government Central Press, should print the number of copies of the list that may be required by the Accountant General from time to time.

(G. I., R. & A., No. 630-F., dated 25th July 1890; *vide* G. R. No. 6550, dated 16th September 1890; *vide* also G. Rs. Nos. 3443, dated 19th May 1891, and 3994, dated 31st May 1893.)

22. In these half-yearly lists, information should be inserted showing the duration of an officer's employment in the district noted under the column 'present charge.' (G. I., R. & A., No. 2-F., dated 12th January 1893; *vide* G. R. No. 1142, dated 9th February 1893.)

23. It is undesirable, as a general rule, that Assistant Conservators who have not passed the prescribed Departmental Examination in the vernacular languages of their district, in Forest Law, Departmental Rules, &c., should be placed in charge of a forest division. (G. R. No. 1475, dated 23rd February 1886.)

24. Officers who have not shown by passing the examinations that they are qualified to be in charge of divisions will not be appointed to act as Assistant Conservators. (G. R. No. 7265, dated 25th October 1887.)

25. The rule published in Section 39 of the Forest Department Code (Fourth Edition) regulating the position of Forest Officers on promotion to the First Grade of Assistant Conservators should apply to the Bombay Presidency as the similar rule does with the Covenanted Civil Service. The words '*cæteris paribus*" occurring in this clause, should be interpreted as meaning that for natives of India or persons appointed in India the rule will be subject to the proviso contained in the last sentence of Section 37. (G. R. No. 2971, dated 12th May 1887: and G. I., R. & A., No. 7-284-18-F., dated 26th September 1898; *vide* G. R. No. 6941, dated 29th October 1898.)

26. The present system in the Forest Department under which the junior acting officer *on the general list* is displaced by the return to duty of a permanent incumbent, might, and apparently sometimes does, lead to a reduction of establishment in one circle in consequence of an addition to the strength of another. Instead of the present practice, the rule should obviously be that on the return to duty of a permanent incumbent the junior acting officer *in the circle to which the permanent incumbent returns* should (failing special orders of Government to the contrary) be displaced.

It is meant by the above orders that when a higher official in a circle goes on leave, a lower official in *that* circle officiates.

(G. Rs. Nos. 5634, dated 7th August 1886, and 2398, dated 21st April 1887.)

27. Conservators should make no delay in reporting to the Accountant General the resumption of his duties by an officer on return from leave. (G. R. No. 7339, dated 16th October 1886.)

28. In the Forest Department, pay in no way depends on the charge held by an officer, but solely on his rank in the graded list of the Department. (G. R. No. 5704, dated 14th August 1890.)

29. The Conservators' Personal Assistants should be selected from the Extra Assistant Conservators. (G. R. No. 8315, dated 22nd October 1892.)

30. Substantive *pro-tempore* promotion from grade to grade within the classes (1) of Extra Assistant Conservator and (2) of Extra Deputy Conservator, as well as officiating or substantive *pro-tempore* promotion to either of those classes from the class next below, are permissible. But officiating promotion from grade to grade within each of the classes of Extra Assistant and Extra Deputy Conservator is inadmissible under the Civil Service Regulations. (G. I., R. & A., No. 7-F., dated 8th May 1893; *vide* G. R. No. 4216, dated 12th June 1893.)

31. The health of Forest Officers who are necessarily out in the forests during a large portion of the most unhealthy season of the year, should be cared for as far as may be possible, and nothing will tend more to this end than the building of small huts for their accommodation in convenient situations. (G. I., A. R. & C., No. 465 of 11th April 1872; *vide* G. R. No. 2021, dated 26th idem.)

In respect of the grant of *ex-officio* titles, the native officers of the Forest Department should be put on the same footing as native members of the Public Works Department, who do not hold such titles. No *ex-officio* titles should, therefore, be conferred on officers of the class of Extra Assistant Conservators. Those of the Extra Assistant Conservators who received the title of Ráo or Khán Sáheb as Sub-Assistant Conservators under the orders contained in Government Resolution No. 1159, dated 5th March 1874, should, however, retain it while they remain in the Department.

(G. R. No. 8435, dated 17th November 1893.)

32. The rule regarding charge allowance in Article 178 (*c*) of the Civil Service Regulations can only be held to apply to forest divisions in the ordinary acceptation of that term. Each Working-Plan party in the Bombay Presidency cannot be constituted a separate forest division for the purposes of the article in question. (G. I., R. & A., No. 578-F., dated 31st May 1894; *vide* G. R., F. D., No. 2055, dated 21st June 1894.)

(*B*).—*Position, Powers and Functions of Forest Officers.*

1. The object of binding together as closely as possible the revenue and forest administration in the Bombay Presidency is most desirable and should steadily be kept in view. But it is equally important that the responsibility of the Conservators, each

in his own division, should be clearly defined. The Conservators should be kept regularly informed of all orders issued on forest matters in their divisions, by Government, the Commissioners, and Collectors; they should be made acquainted with all business that passes between Collectors and Divisional Forest Officers; and, as a rule, they should be consulted on all forest business that comes before Government or the Commissioners. (G. I., P. W. D., No. 637-F., dated 21st October 1870; *vide* G. R. No. 5460, dated 8th November 1870.)

2. The great thing is to ensure unanimity of feeling and action between the Revenue and Forest Officers. If this is once secured, forests will be properly conserved, the legitimate wants of the people will be met, and discontent will be reduced to insignificant proportions. The Commissioner is the superior officer both of the Collector and the Conservator, and he is, after due consultation with the Collectors and Forest Officers, to make definite proposals for the amelioration of any defects in forest affairs which may be brought to his notice. (G. R. No. 1840, dated 5th April 1879.)

3. It is the often repeated wish of Government that all Departments concerned in forest conservation should act in co-operation, and questions should not come before Government until the local authorities have done their utmost to settle them, when a final recommendation in which they all concur, or any point on which they are unable to agree, should be referred for final orders. (G. R. No. 6538, dated 4th September 1883.)

4. Government do not desire forest questions to be put before them while in the stage of incomplete discussion, and only those points should be referred for decision on which Departments are unable to agree. It is but reasonable to expect that cases shall not be submitted until the facts are thoroughly ascertained and understood, and that the views upheld shall be reasonable in the light of past orders and proceedings, and regardful of the difficulties with which Government have to contend. (G. R. No. 8505, dated 28th October 1884.)

5. Forest administration is a branch of the general administration, requiring the services of the executive staff at the disposal of the Collector and Magistrate just as much as any other branch of revenue or police administration, and, should occasion require it, those services may be directed to a special duty in connection with forest administration as a matter of ordinary discretion. In providing a special establishment for forest purposes Government did not intend and cannot allow the ordinary executive to be relieved of any responsibility which before attached to it; it is as much a part of the duty of Village and Revenue and Police officers to protect Government property in trees *now* as it was before trees were transferred to the Forest Department. In districts where there are

no forest establishments, this duty has been satisfactorily performed.

The relations of the Forest Department to the district officials have perhaps been occasionally discussed in a manner that may have tended to obscure the general responsibility of district officers in forest matters, and it is not improbable that the friction between Land Revenue and Forest Officers, which Government has occasionally had to regret, might have been obviated had it been clearly understood that responsibility for a wise and efficient administration of forest matters lies as much upon Collectors and their Assistants as upon the officers of the Forest Department.

The general policy of the Government in relation to forests has now been very fully brought on the record, and district officers generally may be trusted to take an intelligent interest in the forest administration of their charges. It is desirable that measures should be taken to place the forest branch in closer connexion with the ordinary administration; in many cases at present it receives from the district staff less recognition than Education, Registration, Public Works, and other services organized with special establishments.

(G. R. No. 2448, dated 8th April 1890.)

6. The guiding principle that forest administration is a branch of general administration, and that responsibility for a wise and efficient management of forests rests as much with the Collectors and their Assistants as with the officers of the Forest Department, has been laid down in Government Resolution No. 2448 of 8th April 1890. While on the one hand, the creation of a separate and specially trained Department has made it unnecessary and undesirable that Revenue Officers should interfere with the professional work of Forest Officers, it is essential, on the other hand, that the position and authority of the Collector, as the officer responsible for the executive management and well-being of his district and the head of the Forest Department therein, should be upheld and effectively safeguarded. This principle is of general application; but its observance is specially important in districts such as Thána, where large tracts, formerly recognized as open to the villagers for communal purposes, have been included in forests, and where, as observed by the Forest Commission, former custom and conditions of agriculture give the cultivators strong claims to liberal treatment in all arrangements for the distribution of forest produce, and where, owing to the system of forest demarcation which circumstances have made it necessary to adopt, local as well as Imperial wants have generally to be met from the same areas. In its management of forests the ease and contentment of the people is an object of greater solicitude to Government than the realization of revenue, and while no relaxation of precautions necessary for the conservation and reproduction of

the timber and firewood supplies can be permitted, and the Forest Officers must be vigorously supported in resisting unauthorized encroachments, Government have no desire to increase their forest revenue by the curtailment of conceded privileges or of local supply, or by the levy of excessive charges for grass and other minor forest produce. The benefit of any revenue so obtained would be altogether insufficient to countervail the hardship and irritation that would be caused were the rayats unduly pressed in the matter of obtaining *rán* and firewood, grazing for their cattle, or grass for thatching and other household purposes. In this connexion, the attention of all officers is called to the orders passed in Government Resolutions No. 7467 of 15th September 1885 and No. 7022 of 4th October 1886.

Note.—The orders contained in this paragraph apply to the grazing of sheep and goats as well as cattle. (G. R No. 775, dated the 29th January 1891.)

(2). Government are sensible of the zeal by which the Conservators and Forest Officers generally are actuated, and of the good work which is being done by them. Unless, however, the Revenue Officers keep a watchful eye over all forest operations affecting local supply and local privileges, there is evident danger of the intentions of Government being frustrated and misconstrued through excess of zeal for conservancy on the part of forest officials. Disregard of the rule which requires all orders regarding privileges to be sent through the Collectors has on more than one occasion caused hardship and inconvenience to forest villagers, which might doubtless have been avoided had the Collector been given the opportunity of objecting, which the rule itself provides. It is to the Collectors and Commissioners that Government must look to exercise the check which is required, and to enable them to do so more effectually than at present it is necessary to direct that in future all orders affecting local supply and privileges in forests shall be issued *exclusively* by the Collectors, and shall be communicated to the people interested through the ordinary revenue channels. All orders regarding closure of forest compartments, whether for planting or reboisement, or for punitive purposes, except closure of coupes recently felled in regular rotation in accordance with duly sanctioned working plans, must be held to fall within this category. It must be understood that the position of Divisional Forest Officers is, in all but purely technical matters, that of Assistants to the Collectors for forest purposes, and that their subordination to the Collectors is no less than that of District Superintendents of Police to District Magistrates. It will, of course, be open to the Forest Officers to move the Collectors to issue such orders as occasion may demand, but the orders when issued must be the Collector's own orders and must be communicated as such to the people concerned through the Mámlatdárs and village officers. Should a Collector refuse to issue any order which may be

considered necessary by the Forest Department, the question may be referred by the Conservator to the Commissioner; but in no case should Conservators or Divisional Forest Officers hereafter themselves issue any orders of the nature referred to.

(3). Government consider that exemplary punishment should be inflicted on village officers whenever damage has resulted to Government forests through culpable negligence on the part of those officers.

(4). The Collectors should be kept informed, and should in turn inform their Assistants, of all changes in the *personnel* of the higher forest subordinates.

(5). It should be distinctly understood that the Collector and Magistrate has the same power at all times to order an investigation into alleged misconduct on the part of Forest officials, as he has in the case of Police and Revenue establishment, and he can entrust the enquiry to any district officer whom he may select.

(6). The Forest Commission recommended (Chapter IV, paragraph 80) that all working plans should, before final sanction, be submitted to the Collector of the District concerned for careful scrutiny, and Government consider it essential that the Collectors should have full opportunity of judging of the effects of the proposed closures of forests, and of suggesting such modification in the plans as are imperatively necessary to meet the reasonable wants of the people. Government also consider it very important that in the Konkan the compartments of a forest block should be felled in regular rotation as they fall due. The system of selling compartments by contract is progressing satisfactorily. It appears, nevertheless, that a considerable number of the compartments which ought to be felled in any particular year in Thána remains, for some reason or other, unsold. As the sufficiency or otherwise of provision for the *rán* supply of the forest villages of that district depends on the regular periodical cutting of each compartment of a forest block in its turn, it is obvious that, if compartments remain unsold and unfelled, hardship and inconvenience must result to the villagers whose wants in this respect these fellings are expected to supply. The contentment of the villagers and the efficiency of the system of working plans alike depend on the felling of compartments in regular rotation. Except under very exceptional circumstances no deviation from the regular plan should be permitted, and no compartments which ought to be felled in any particular year should be left unfelled. If the Forest Department is unable to sell profitably to contractors all the compartments that fall due for felling, and if departmental felling is for any reason impracticable, it will be necessary to permit the villagers to enter the unsold compartments and to lop for themselves the material to which they would have been entitled had such compartments been felled in ordinary course, or to meet the villagers' requirements

in such other manner as the Conservator may be able to devise and the Collector and Commissioner may consider sufficient.

(G. R. No. 650, dated 26th January 1891.)

7. To require all correspondence between Collectors and Divisional Forest Officers to pass through the Conservators is not in accordance with the principles laid down in Government Resolution No. 650, dated 26th January 1891. It is stated in that Resolution that responsibility for the executive management of forests, except in matters relating to professional forestry, vests in Collectors, and further, in paragraph 5 of the same Resolution, that the position of Divisional Forest Officers is, in all but purely technical matters, that of Assistants to the Collectors for forest purposes, and that their subordination to the Collectors is no less than that of District Superintendents of Police to District Magistrates. To permit Divisional Forest Officers to carry on correspondence with their Collectors through the Conservators would destroy the direct subordination which it is the desire of Government to enforce. It is not intended, nor is it desirable, that the Conservators should ordinarily interfere in every detail of administration for which the Collectors are responsible. They should confine their attention mainly to the purely professional matters of forest management, with which the Revenue Officers are expressly debarred from interfering by the orders conveyed in the same Resolution. It is open to the Collectors to consult the Conservators on *any* points affecting forest management, and Government expect that they will consult them freely on all important matters, and especially when differences of opinion on such matters may arise between themselves and their Forest Assistants. The procedure to be followed when a Collector refuses to issue any order considered necessary by the Forest Officers, is laid down in the Government Resolution above cited. (G. R. No. 4111, dated 16th June 1891.)

8. In exercise of the power conferred by Section 75(*a*) of the Indian Forest Act, VII of 1878, and of other powers enabling him in this behalf, the Governor in Council is pleased to make the following rules, in supersession of all previous rules on the same subjects, for prescribing and limiting the powers and duties of Forest Officers under the said Act :—

(1). Forest administration, as a branch of land revenue administration, is under the chief controlling authority which, by Section 4 of the Bombay Land Revenue Code, 1879, is vested in the Commissioner, subject to the Governor in Council. All Forest Officers, as well as Revenue Officers, who are concerned in the management of forests, are therefore subject in all matters relating to forest administration to the Commissioner.

(2). The Collector of each district, in subordination to the Commissioner and subject to the

orders of Government, is responsible for the due management of the forests therein; and for this purpose all Forest Officers within the district shall be subject to the orders of the Collector. Divisional Forest Officers will be Assistants to the Collector for forest purposes.

All Divisional Forest Officers and their subordinates shall in all but purely technical matters be subordinate to the Collector of the district in which they are serving.

(3). The duties and powers of Assistant and Deputy Collectors in charge of tálukas in respect of forest matters shall be regulated by the same provisions which are laid down in Section 10 of the Bombay Land Revenue Code, 1879, in respect of revenue administration generally.

(4). Subject to the other provisions of these rules, each Conservator of Forests in his own Circle or Deputy Conservator in independent charge of a circle is invested with the direction of all professional operations of technical forestry.

(5). Except in so far as is otherwise directed in rules or orders of Government, the departmental control of all Forest Officers in a circle vests in the Conservator of Forests of that circle, or in that of the Deputy Conservator in independent charge of a circle.

(6). Divisional Forest Officers shall, in the posting and distribution of the subordinate forest establishment, comply with any orders they may receive from the Collector.

(7). No appointments to offices higher than that of round guard shall be made by the Conservator or other Forest Officer without consulting and obtaining the consent thereto of the Collector of the District.

(8). In all matters relating to local supply, including that of grass and grazing or the rights and privileges of the people in or in respect of forests, orders shall be issued by the Collector alone and not by any Forest Officer, and such orders shall be communicated to those concerned through the ordinary revenue channels.

This rule applies also to pastures and fodder reserves, the management and control of which is vested exclusively in the Collector, subject to the orders of the Commissioner and of Government, and with respect to which the Conservator of Forests is to act in the capacity of consultative officer only, advising and giving his opinion on all questions of a professional or technical character referred to him by any of the said authorities.

(9). No forest compartment shall be closed, whether for planting or reboisement or for punitive purposes, except under the order or with the approval of the Collector.

This rule does not apply to the closure of compartments which have been recently felled in

strict accordance with a duly sanctioned working plan.

(10). Subject to any instructions which may be given by the Commissioner, orders issued by a Conservator to any Divisional Forest Officer and correspondence between the Conservator and any such officer shall be forwarded through the Collector, who will record such remarks thereon or, in matters other than such as are described in Rule 4, give such directions with regard thereto as he thinks fit.

In the event of a difference of opinion between a Collector and the Conservator of Forests, either officer may refer the matter to the Commissioner, who will either dispose of the reference himself, or, if he thinks it necessary, obtain the orders of Government.

(11). In matters relating to departmental finance or to appointment, transfer, or leave of establishment, in which the orders of Government are required, a Conservator may report to Government direct.

(12). Every Divisional Forest Officer shall prepare and submit, before the end of June or middle of July in each year, the provisional plan of operations, which he proposes to carry out in the ensuing year in the area under his official charge, to the Collector of the District.

(13). The Collector shall—

(*a*) consider all plans submitted to him under the last preceding rule, with special reference to any proposed closure of forest areas against grazing or other privileges, and shall see that due provision is made for local wants, and

(*b*) if he considers any such plans open to objection in such connection, shall return the same with any comments, and for compliance with any directions he may make, to the officer by whom they may have been submitted.

(14). The Collector shall forward to the Conservator of the Circle such plans as meet with his approval.

(15). Before the commencement of each season, information as to the principal operations to be carried out in each district shall be communicated to the Collector thereof.

(16). It shall be the duty of the local Forest Officers to inform the Collector as to the places where any cutting is to be made, or special protection is needed, so that the Collector may make known, through his Assistants and other subordinates, to the local public the places

(*a*) where supplies of wood, grass or rab, &c. may be obtained, and

(*b*) where the grazing of cattle is prohibited or allowed.

(17). It shall be the duty of all Revenue Officers to give every possible assistance to the Divisional Forest Officers by giving information of all cases of forest fires or of offences committed in forests, and of any neglect of duty by forest subordinates which may come to their notice, and to impress on their subordinates a sense of their obligation to protect the Government forests against theft or injury

(18). It shall be the duty of the Collector and his Assistants from time to time to inspect the offices and accounts of all Rangers within their charge, taking care that Range Officers are not withdrawn from important out-door duties to attend inspections.

(19). Letters from a Divisional Forest Officer to a Mámlatdár should ordinarily be sent through the Assistant Collector in charge.

(20). Orders by Forest Officers to village officers shall ordinarily be sent through the Mámlatdár to whom the village officers are subordinate, but may, if urgent, be sent direct, provided that in every such case copies of the order shall at the same time be sent to the Assistant Collector in charge and to such Mámlatdár as aforesaid.

(21). Compartments of a forest block shall be felled in regular rotation as they fall due.

(22). (*1*) If it becomes necessary to delay the felling of a compartment beyond the time at which such felling would according to regular rotation be due, the Collector of the District shall, in consultation with the Conservator of the Circle and subject to the sanction of the Commissioner of the Division, make arrangements for meeting the requirements of the villagers in the locality.

(*2*) For such purpose the villagers may, if necessary, and if no other arrangement is practicable, be permitted to enter the compartment the felling whereof has been so delayed and lop for themselves the material to which, but for such delay, they would have been entitled.

(23). When a Mahálkari or Chief Constable or any Revenue or Police Officer of higher rank camps in the limits of a forest village, or "in the limits of a forest beat or round," the forest guard shall report himself to such officer and bring his diary with him for inspection.

A forest guard need not report himself more than once to the same officer in one season, but should present himself on other occasions if sent for.

(24). The officer to whom report is made should, time permitting, inspect the forest guard's diary, and put such questions to him as may seem expedient with a view to ascertaining whether he is attentive to his duties. The village officers should also be questioned on the point.

A Revenue or Police Officer examining a forest guard's diary shall write the word "seen" below

the last entry, attaching his signature and the date of inspection.

(25). Time and opportunity permitting, the officers named should visit any forest block, plantation or special work in charge of the forest guard, who should, if possible, attend such officer on his visit.

(26). No Revenue or Police officer shall call a forest guard off his beat, nor shall a forest guard leave his beat in order to report himself to such officer.

(27). Rules 24, 25 and 26 do not apply to Collectors or Commissioners, who will exercise their own discretion in the matters therein dealt with.

(28). Subject to the orders of Government—

(*a*) the Commissioner in Sind shall have the direction, regulation and general control of all matters other than financial connected with forest administration in that province;

(*b*) the Commissioners of the Northern, Central and Southern Divisions shall be responsible for the entire executive administration of forest affairs within their respective divisions, and shall for the purpose of such administration—

(*a*) issue orders and instructions to Collectors, Conservators, and Deputy Conservators in independent charge of circles:

(*b*) interpret the orders of Government whenever doubts may arise in applying such orders;

(*c*) settle all matters in which any difference of opinion arises between the Forest Department and any other Department;

(*d*) promote generally the harmonious working of the Revenue and Forest Departments; and

(*e*) except in matters relating to departmental finance and to appointment, leave or transfer of establishment, in which the orders of Government are required, receive, consider and with their own views in each case, when such reference is necessary, refer to Government all reports respecting forest matters submitted to them whether from the Revenue or from the Forest Department.

(G. Rs. Nos. 7107, dated 6th September 1892, 8999, dated 15th November 1892, and 496, dated 21st January 1895.)

The term "departmental finance" used in Government Resolution No. 7107, dated 6th September 1892, should be understood as including only matters relating to forest accounts and purely account transactions.

(G. R. No. 805, dated 28th January 1893.)

In order to ensure the Commissioner's proper control and the exercise of his responsibility in forest matters, it has been directed in modification of all previous orders on the subject, that all official communications on the subjects mentioned below should be addressed by the Conservator or Deputy Conservator of Forests in charge of a Circle to the Divisional Commissioner concerned and not to Government direct :—

Thefts of Government money.

Applications for leave.

Correspondence regarding appointments of Forest officials and subordinates.

List of minor works of which the cost is less than Rs. 1,000.

List of urgent works costing more than Rs. 2,500.

Construction and repairs of roads, buildings, &c.

Reports regarding civil suits.

Inspection of Divisional Forest offices.

Change of head-quarters of Forest officers.

Powers to Forest officers under the Forest Act.

(G. R. No. 8350, dated 28th December 1898.)

9. Mámlatdárs and Chief Constables should consider it part of their duty to see that the protection of the forests is efficiently carried out. The forest protective establishment requires as much supervision as can be afforded. It is a part of the district establishment under the control of the Collector, and for the proper discharge of their ordinary protective duties the forest guards must depend much upon the co-operation of the village officers, Revenue and Police, and upon the Police themselves. Nothing seems to be a greater mistake than to leave the rank and file of the special departments, such as Forest, A'bkári, Opium, &c., outside the supervising agencies of Mámlatdárs, Chief Constables, Assistant Collectors, &c. The objection that such supervision would result in "friction" is simply met by laying down the extent to which supervision is to be exercised. (G. Rs. Nos. 2483, dated 24th April 1888, and 4832, dated 6th July 1889.)

10. The Conservator of Forests should communicate with the Political Agent on subjects connected with the political affairs of the Dángs in which he may consider interference necessary. (G. R. No. 5919, dated 24th November 1871.)

11. The Conservators of Forests should address the Accountant General's office, and not the Treasury officers, regarding any extraordinary demands their Department may have upon the treasuries. (G. R. No. 3264, dated 22nd May 1877.)

12. The Conservators of Forests in the Madras Presidency are permitted to enter into direct communication with the Bombay Conservators. (G. R. No. 2067, dated 12th March 1883.)

13. The Director of the Forest School at Dehra Dún is authorized to correspond, when necessary, direct with the Conservators of Forests in the Bombay Presidency on the subject of the analysis of specimens of soils obtained from forests that are protected against fire and from those that are not so protected. (G. I., R. & A., No., 595-F., dated 15th June 1888 ; *vide* G. R. No. 5274, dated 4th August 1888.)

14. Several instances having recently come to the notice of Government of officers in the Forest Department corresponding direct with the Inspector-General of Forests, on subjects in regard to which the control vests in this Government, the Governor in Council desires to impress on all officers of the Department that such procedure is not approved by Government, and if any practice of the kind exists in the Forest Department it should forthwith be discontinued.

Chapter I, Section 50 of the Forest Department Code, 3rd Edition, authorizes the Inspector-General of Forests to correspond officially with Conservators on professional subjects, and on other matters which do not involve questions of administrative or general policy, but that authorization relates to correspondence between the Inspector-General of Forests and officers subordinate to the Local Governments or Administrations, specified in Section 2, Chapter I of the Code, of the Provinces subject to the immediate control of the Government of India.

As mentioned in Government Resolution No. 7109, dated 6th September 1892, Revenue Department, the chief object in view of which the provisions of the Forest Department Code have been made applicable to the Forest Department of this Presidency, is the regulation of matters of account on the system adopted in other Provinces of India, and the provisions which regulate the official relations between the Inspector-General of Forests and the officers of the Forest Department serving under the Local Governments and Administrations mentioned in Section 2 of Chapter I of the Code do not extend to this Presidency.

(G. R. No. 8721, dated 5th November 1892.)

15. The Conservator and his Assistants ought to pass their time as much as possible in the jungles and not at the desk. (G. R. No. 3541, dated 21st July 1871.)

16. The Conservators of Forests should attend to any applications which may be made to them for an interchange of vegetable productions by the officers in charge of any of Her Majesty's Colonies. (S. of S. No. 10, dated 15th August 1871 ; *vide* G. R. No. 4847, dated 29th September 1871.)

17. The Conservator of Forests, S. C., is authorized to transfer his depôts from one town to another as he finds convenient and more paying to his Department, so long as he does not transfer the permanent

establishment sanctioned for one Collectorate to another, or by his arrangements involve any further cost than that allowed. (G. R. No. 2307, dated 23rd April 1873.)

Note.—Government Resolution, Judicial Department, No. 496, dated 23rd February 1886, gave a general sanction to all charges that might be incurred on account of rent of lands taken up for forest depôts in accordance with these orders.

18. His Excellency the Governor in Council is pleased to appoint all the Conservators, Deputy Conservators, and Assistant and Extra Assistant Conservators in the Bombay Presidency, including Sind, to exercise powers of a Forest Officer under Sections 20, 45, 46, 52 and 63, within their respective limits: the principal Forest Officer in each district to exercise powers under Section 25 (*c*) and each Conservator to exercise powers under Section 16 of the Indian Forest Act. His Excellency the Governor in Council is also pleased to declare hereby that the Collector in each district in the Presidency, including Sind, shall be the duly authorized officer with whose previous sanction the Forest Officer should exercise the power under Section 24 of the Indian Forest Act to stop ways and water-courses in reserved forests. (G. N. No. 6656, dated 26th December 1878, and G. R. No. 9355, dated 29th November 1892.)

Note.—By Government Resolution No. 6656, dated 26th December 1878, powers under Section 47 also were conferred on the Principal Forest Officer in each district.

19. In continuation of Government Notification No. 6656, dated 26th December 1878, His Excellency the Governor in Council is pleased to confer the power* of accepting money under Section 67 of the Indian Forest Act 1878, on Conservators, Deputy Conservators and Assistant Conservators *ex-officio*, with the proviso that the Conservators are to withhold the power from any Assistant Conservator to whom they consider it undesirable to entrust it.

(2). Government are also pleased to appoint Conservators and Deputy, Assistant and Extra Assistant Conservators to exercise the powers of a Forest Officer under Sections 55 and 56; the principal Forest Officer of a district to exercise the powers of a Forest Officer under Sections 24, 25, 33, 36, 37, 38, 50, 71 and 82; and rangers, foresters and forest guards to exercise the powers of a Forest Officer under Sections 45, 52, 63 and 69 of the Act.

(3). Conservators are also empowered *ex-officio* to exercise any of the powers assigned to their subordinate officers.

(G. N. No. 2186, dated 24th April 1879, and G. R. No. 9355, dated 29th November 1892.)

Note.—The gazetted officers of the Forest Department must clearly understand that Government will hold them strictly responsible for any abuse of these powers by the

* *Note.*—By Government Notification No. 739, dated 2nd February 1893, this power has also been conferred upon Extra Deputy and Extra Assistant Conservators of Forests when doing duty as Divisional Forest Officers.

overzeal of their subordinates, and that there is to be no interference with the forest rights of the people till after a careful enquiry and distinct orders approved by the Collector. (G. R. No. 2186, dated 24th April 1879.)

20. Forest Officers who are vested with the powers provided in Section 71 of the Indian Forest Act of 1878, have authority under Section 4 of the Indian Oaths Act, X of 1873, to administer oaths.

The form of summons for witnesses and for the production of documents given at No. 126 of the 4th Schedule to the Civil Procedure Code may be used *mutatis mutandis*, the necessary corrections in the printed form being made by hand.

The form of search warrant used by Magistrates given at page 57 of the High Court Circular Orders may be used, a few corrections that can easily be made by hand being all that is required.

It seems hardly requisite to use printed forms for depositions of witnesses; but if they are found necessary, the forms used by Magistrates will answer all the purposes of the Divisional Forest Officer.

(L. R. No. 1360, dated 1st November 1879; *vide* G. R. No. 5990, dated 8th idem; *vide* also G. R. No. 6971, dated 28th August 1885.)

21. Under Section 4 of Act X of 1873 a person who has by law authority to receive evidence may administer an oath or affirmation in the discharge of the duties or in exercise of the powers imposed or conferred on him by law. A Forest Officer has no power to take evidence in a case of embezzlement, and is not therefore authorized to administer an oath in such a case. (G. R. No. 7503, dated 26th October 1882.)

22. There can be no valid and substantial objection to the grant to Extra Assistant Conservators, as a class, of all the powers specified in Section 71 of the Indian Forest Act. Extra Assistant Conservators are, as a rule, officers of good standing and long experience, and it is improbable that the exercise by them of the various powers specified in Section 71 would prove a source of any inconvenience or annoyance to the people of the districts in which they are serving, whilst the possession by them of those powers might frequently prove of material administrative convenience.

As regards the Range Forest Officers, powers under (*a*) and (*b*) of Section 71 should be conferred on officers of this class when specially recommended and when held to be particularly qualified for their exercise by experience and discretion.

(G. Rs. Nos. 3487, dated 30th April 1884, and 9355, dated 29th November 1892.)

23. The following judgment of the High Court in appeal No. 61 of 1889 (in the case of *Mr. Waman Ramchandra Gavande, Sub-Assistant Conservator of Forests*, v. *Dipchand Balkisan*) shows that officers when discharging their duties with ordinary care and discretion are protected, even in a case of mis-

take, by any authority which in fact they have and which covers the particular act on which some person may sue as a wrong:—

"This is a suit brought against the defendant, an officer in the Forest Department, for having caused damage to the plaintiff by reason of 'his misconduct and his acting contrary to the law.' The defendant justified his conduct under Section 73 of the Indian Forest Act, VII of 1878, alleging that what was done by him was done in good faith.

"It is not in dispute that the carts containing the plaintiff's timber were stopped by the defendant on their way up the ghát to Poona, and the defendant himself admits that he did so, suspecting that the timber had been taken out of Government forests. Further, it is not in dispute that on the arrival of the plaintiff, who was some way behind the carts, he was asked by defendant if he had a pass, and that he replied that his servant had it; that the servant arrived the next day, when he produced a document which purported to be a pass given by the original owner to the plaintiff as purchaser of the timber. It was not contended that such a pass was a valid one under the rules made by Government with the sanction of Government of India in virtue of the Forest Act, there being no evidence that the owner, although he was a Pátel of the village, had authority to grant passes. The District Court, however, thinks it ought to have satisfied the defendant. This view is one in which we cannot concur, the pass not being a valid one—and although his principal motive at the time may have been that he suspected the timber had been stolen from Government forests, it is open to him now to justify the seizure on the ground of the commission of a forest offence arising from the want of a valid pass.

"It is said, indeed, by the District Court that owing to a Resolution of Government, No. 5437, dated the 7th July 1884 (Exhibit No. 40), a pass was not necessary. It is sufficient to say that that Resolution only referred to 'teak,' the ownership of which was in dispute between the Government and the occupants of the land on which it was grown, and, moreover, can only be understood (assuming that the Government intended to pass a Resolution *intra vires*) as settling the question whether such owners could move their timber as contemplated by clause (*c*) of Rule 13 without passes. But that clause clearly only allows timber to be moved within the confines of the village and has no application to this timber, which was being transported to Poona for sale. The defendant was, therefore, clearly entitled by law to seize the carts. But it was urged before us that although he might have been entitled to seize them he ought not to have detained them from 18th January till 22nd June. As to this the evidence shows that defendant wrote Exhibit 42 on 24th January to the Forest Ranger of Kolába stating his suspicion, that it was not '*málki*', but Government timber, and asking him to make inquiries; he also reported on 25th January 1886 what he had done to his superior officer, the Divisional Conservator of Forests of the Poona District. The plaintiff says he frequently asked the defendant to give him up the timber between January and May 1886 and was told by defendant that he could not do so until he got an answer, and that at last in May 1886 he himself wrote to the Divisional Conservator, the result of which was that the defendant was directed to deliver the timber to the plaintiff.

"Looking at Section 52, we agree with the District Judge that the defendant cannot justify the detention on the ground of an offence against the Forest Laws, not having taken the course which that section requires of bringing the matter before a Magistrate. But suspecting as he did that the timber had been taken from a Government forest, we think the defendant was justified, under the circumstances, in laying the matter before his superior officer and waiting for his orders. The circumstance that there had been robberies from Govern-

(2) *To be inserted as an addendum to Part I the Chapter relating to Forests at page* 496 *of e Compilation of Standing Orders of Government the Revenue Department.*

"30. Forests Officers are invested with the llowing powers under the A'bkári Act:—

Conservators, Deputy and Assistant and Extra Assistant Conservators, Forest Rangers Foresters	With the powers under Sections 36 and 37.
Forest Guards	With the powers under Section 37.

(Government Resolutions, No. 4510, dated 27th August 1879, and No. 9355, dated 29th November 1892)."

ment jungles in the neighbourhood from which the timbe came, as stated by defendant, and which was not denied coupled with the absence of a valid pass from the authorities was sufficient to justify his suspicion that it was not *malk* timber and his detaining the timber until he received order from his superior on the subject, and he cannot be held personally liable for the delay which occurred in obtaining them.

"It is said, indeed, that the defendant was afterwards shown a letter procured by the plaintiff at the defendant's desire stating that the Pátel had sold the timber from his *malk* number to plaintiff, and that he took the objection that it was not signed by the Kulkarni. Such an objection, we think, was one which the defendant might reasonably and in good faith take, and if plaintiff thought that the letter was sufficient for the purpose he could have taken it or asked defendant to send it to the Divisional Conservator of Forests in whose hands the matter then was, and, as we cannot doubt, with the plaintiff's full knowledge. Upon the whole, we think that the defendant acted throughout in good faith and has satisfactorily justified his conduct under Section 73 of the Act.

"That the question should have remained with the Superior Forest Authorities in suspense until May is necessarily matter of surprise, and if Government are unable to give some satisfactory explanation of it, the plaintiff is, to say the least, entitled to favourable consideration at their hands.

"We must, therefore, reverse the decree and dismiss the plaint, with costs throughout on plaintiff.

C. SARGENT.
K. T. TELANG."

(G. R. No. 6528, dated 15th September 1890.)

24. The attention of the Conservators should be drawn to the fact that inspection is one of the most important of their duties. The Conservators are required to inspect each Divisional Forest office in their circles once in each year. Failure to make the required inspection in any case should be explained in submitting to Government the general inspection report.* (G. R. No. 5308, dated 5th August 1891.)

25. The jurisdiction of the Conservator of Forests, N. C., does not extend to the City of Bombay. (G. R. No. 7016, dated 10th October 1891.)

26. His Excellency the Governor in Council is pleased, under Section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the officer for the time being in charge of the Remount-rearing Depôt at Ahmednagar to be a Forest Officer, and, under Section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by that Act or by rules made under it to be done by a Forest Officer or by any Forest Officer: such powers to be exercised in respect of the reserved forest known as the "Narayan Dev" Kuran in the Ahmednagar District, which has been transferred to the charge of the Army Remount Department as a grazing ground for young stock. (G. N. No. 5123, dated 20th June 1892).

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* The printing of the form of Conservators' Inspection Reports as a standard form was sanctioned by Government Resolution, General Department, No. 4033, dated 20th November 1891.

27. No. 8155A.—His Excellency the Governor in Council is pleased, under Section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the officer for the time being holding the post of Executive Commissariat Officer, Ahmednagar, to be a Forest Officer, and, under Section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by the Act or by rules made under it to be done by a Forest Officer or by any Forest Officer: such powers to be exercised in respect of the reserved forest kurans in the Nagar Táluka of the Ahmednagar District specified on the margin *, which have been assigned for the use of the Commissariat Department. (G. N. No. 8155 A., dated 14th October 1892.)

* Name of Kuran.	Name of village near which situated.
1. Sussawádi ...	1. Sussáwádi. 2. Kolhár. 3. Pimpálgaon Ujani.
2. Kápurwádi ...	1. Kápurwádi. 2. Deogaon,
3. Shendi ...	1. Shendi. 2. Dangarwádi.
4. Mánjarsumba	1. Pimpalgaon Málwi. 2. Mánjarsumba. 3. Dehera.
5. Ghospuri ...	1. Gutáwari. 2. Ghospuri.

28. Under Section 13 of the Indian Arms Act (XI of 1878), His Excellency the Governor in Council is pleased to invest the undermentioned officers of the Forest Department in the Northern Division, Southern Division and in Sind, with power to disarm persons going armed without a license, or in contravention of its provisions :—

1. Conservators of Forests.
2. Deputy Conservators of Forests.
3. Assistant Conservators.
4. Extra Assistant Conservators.
5. Rangers.
6. Foresters.
7. Forest Guards.

(G. N., J. D., No. 6714, dated 7th November 1879, and G. R. No. 9355, dated 29th November 1892.)

29. Conservators and Deputy Conservators in charge of circles are empowered to sanction all transfers of Extra Assistant Conservators within their respective circles. (G. R. No. 2021, dated 17th March 1893.)

(C).—Head-quarters.

1. Divisional Forest Officers must like other District Officers reside in their own district during the rainy season. Serious public inconvenience would obviously result from any departure from this rule. (G. Rs. Nos. 2040, dated 10th March 1885, 5027, dated 19th June 1885, and 3772, dated 3rd June 1891).

2. Divisional Forest Officers should, as a rule, reside during the recess season at the head-quarters stations of their districts to facilitate personal communications on forest affairs between themselves and the Collectors and Assistant Collectors. (G. R. No. 4063, dated 4th June 1889.)

3. The Conservator of Forests, S. C., is permitted to make Belgaum his head-quarters. (G. R. No. 3847, dated 25th June 1887.)

4. The head-quarters of the Conservator of Forests, N. C., should be at Bándra. (G. R. No. 3736, dated 22nd May 1893.)

5. The Divisional Forest Officer, East Khandesh, is permitted to reside at Dhulia during the rains. (G. R. No. 3117, dated 6th May 1890.)